

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT DREW,

No. 1:23-cv-00194-JLT-SKO (HC)

Petitioner,

**ORDER DIRECTING CLERK OF COURT TO  
PROVIDE PETITIONER WITH COPY OF  
RESPONDENT'S MOTION TO DISMISS  
(Doc. 7)**

B. M. TRATE, Warden,

**ORDER GRANTING PETITIONER  
EXTENSION OF TIME TO FILE  
OBJECTIONS TO FINDINGS AND  
RECOMMENDATION**

[THIRTY-DAY DEADLINE]

Petitioner is a federal prisoner proceeding *pro se* and *in forma pauperis* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

On February 9, 2023, Petitioner filed the instant habeas petition. Respondent filed a motion to dismiss the petition on April 12, 2023. (Doc. 7.) On April 26, 2023, Petitioner advised the Court that USP-Atwater was experiencing a substantial mail delay and Petitioner had not yet received Respondent's response. (Doc. 8.) Petitioner requested an extension of time to file a response. On April 27, 2023, the Court granted Petitioner an extension of time of thirty (30) days to file a response to Respondent's motion. (Doc. 9.) Over thirty days have passed, and Petitioner

1 has not filed an opposition to the motion to dismiss.<sup>1</sup>

2 On June 8, 2023, the Court issued Findings and Recommendations to grant the motion to  
3 dismiss and transfer the action to the United States District Court for the Western District of  
4 Tennessee. (Doc. 12.) On June 16, 2023, Petitioner filed a pleading entitled “Informative  
5 Motion” stating he had not received Respondent’s motion to dismiss and would like the  
6 opportunity to oppose the motion. (Doc. 13.) Given that Petitioner has not received the motion,  
7 the Clerk of Court will be directed to mail Petitioner a copy of Respondent’s motion to dismiss.

8 Petitioner is advised that the Court has recommended granting the motion to dismiss for  
9 reasons stated in the Findings and Recommendations. Petitioner may oppose Respondent’s  
10 motion to dismiss, but he must do so in his objections to the Court’s Findings and  
11 Recommendations. Petitioner will be provided an extension of time to do so.

12 **ORDER**

13 Accordingly, IT IS HEREBY ORDERED:

- 14 1. The Clerk of Court is DIRECTED to provide Petitioner with a copy of  
15 Respondent’s motion to dismiss (Doc. 7);  
16 2. Petitioner is GRANTED thirty (30) days from the date of service of this Order to  
17 file objections to the Findings and Recommendations of June 8, 2023 (Doc. 12).

18 IT IS SO ORDERED.

19 Dated: June 20, 2023

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE

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27 <sup>1</sup> The Court notes that it received a letter from a Correctional Systems Supervisor at USP-Atwater  
28 indicating that Petitioner had not received a letter from the Court in April of 2023. (Doc. 10.) The notice  
was disregarded since the Court did not send any letter to Petitioner in April of 2023, and in any case,  
Petitioner had been granted a thirty-day extension on April 27, 2023.